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EXAMINER

PHAN, HANH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2633

21

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/454,164

Applicant(s)

MUNROE ET AL.

Examiner

Hanh Phan

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 19-21 is/are allowed.
- 6) ☒ Claim(s) 5-10, 14-17 and 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2633

### **DETAILED ACTION**

1. This Office Action is responsive to the Amendment filed on 12/30/2002.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 26-28 are rejected under 35 U.S.C. 112 first paragraph because claim 26 is a single means claim (MPEP 2164.08(a)).

In claim 26, means in phrase “an encoder to encode an optical signal to designate the multiplexing station’s level” is a single means.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983)

A single means claim which covered every conceivable means for achieving the stated purpose was held noneabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2633

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-10, 14-17, and 22-28 are rejected under 35U.S.C.103(a) as being unpatentable over Mossberg et al (U.S.Patent No. 6,314,220) in view of Chen (U.S. Patent No. 5,841,776) and further in view of Frigo et al (U.S. Patent number 5,808,764).

Regarding claims 5, 16, and 23, referring to Figure 1, Mossberg teaches a central station for an optical network, comprising: a transmitter (10, 15a, 16a) coupled to produce an optical data signal from an electrical data signal (col. 3, lines 34-67, col. 4, lines 1-27), and an encoder (15c, 16c, 19, 20)(i.e., optical circulators and fiber gratings) coupled to apply a composite code to the optical data signal, the composite code having a first code (15e) and a second code (16e), wherein the first code (15e) is to identify a first destination (15j) and the second code (16e) is to identify a second destination (16j).

Mossberg differs from claims 5, 16, and 23 in that he does not specifically teach applying a composite code to an optical data signal and the second station coupled to receive a decoded output signal from the first station. However, Chen teaches applying a composite code to an optical data signal (figures 4 and 5, col. 3, lines 54-67, col. 4, lines 1-26) and Frigo discloses a second station is coupled to receive a decoded output signal from a first station (Figures 4A, 5, and 7, col. 6, lines 53-67, col. 7, lines 1-53). One skilled in the art would have recognized that providing a composite code to an optical data signal and a second station coupled to receive a

Art Unit: 2633

decoded output signal from a first station have the advantage of allowing the sources and destinations for data are designated. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate applying composite code to an optical data signal and the second station is coupled to receive a decoded output signal from a first station as taught by Chen and Frigo in the system of Mossberg in order to designate the sources and destinations for data.

Although Mossberg does not specifically teach that 15j and 16j are first and second stations, it would have been obvious to send data to stations. Although he does not specifically teach that the first and second codes are used to identify the first and second stations, it is well known to send an address with a signal to identify where the signal is to be sent.

Regarding claims 6, 17, and 24, Mossberg further teaches the composite code to be applied by the encoder is a temporal code (Fig. 1, col. 2, lines 53-58).

Regarding claims 7 and 25, Mossberg further teaches the composite code is an address code designate an intended destination for data defined by the electrical data signal (Fig. 1).

Regarding claim 8, the combination of Mossberg, Chen, and Frigo teaches a multiplexing station for an optical network, comprising: a temporal address decoder (16g, 19a, 15g, 20a)(Fig. 1 of Mossberg) coupled to receive a signal containing data coded according to a first downstream address code and a second downstream address code and to strip the first downstream address code from the signal, wherein the first downstream address code is to designate a first destination and the second downstream address code is to designate a second destination that is coupled to

Art Unit: 2633

receive the stripped signal from the first destination (Fig. 1 of Mossberg, col. 3, lines 34-67, col. 4, lines 1-27 and figure 5 of Chen, column 4, lines 15-26, and Fig. 4A of Frigo).

Regarding claim 9, Mossberg further teaches the temporal address decoder is to strip an optical code from the signal (col. 4, lines 3-27).

Regarding claims 10 and 22, Mossberg further teaches the optical code is a composite code (Fig. 1).

Regarding claim 14, Mossberg further teaches the temporal address decoder comprises at least one fiber Bragg grating coupled to strip the code (Fig. 1, col. 4, lines 3-27).

Regarding claim 15, Mossberg further teaches wherein further comprising an optical circulator coupled to direct the signal to at least one fiber Bragg grating (Fig. 1, col. 4, lines 3-27).

Regarding claim 26, the combination of Mossberg, Chen, and Frigo teaches a multiplexing station for an optical network, comprising: an encoder to encode an optical signal to designate the multiplexing station's level, the optical signal containing data from a user station of a plurality of user stations (Fig. 1 of Mossberg, col. 3, lines 34-67, col. 4, lines 1-27 and Figs. 4A and 7, 9A, 9B of Frigo).

Regarding claim 27, Mossberg further teaches the encoder includes at least one fiber Bragg grating to encode an optical signal (Fig. 1).

Regarding claim 28, Mossberg further teaches wherein further comprising an optical circulator coupled to direct the optical signal to the at least one fiber Bragg grating (Fig. 1).

Art Unit: 2633

6. Claims 1-4 and 19-21 are allowed.

***Response to Arguments***

7. Applicant's arguments filed 12/30/2002 have been fully considered but they are not persuasive. In response to the applicant's arguments to claims 5-10, 14-17, and 19-28 are not persuasive. The applicant argues that, in independent claims 5, 8, 16, and 23, Mossberg reference fails to teach a composite code. However, Chen teaches teaches a composite code (figures 4 and 5, col. 3, lines 54-67, col. 4, lines 1-26) and the applicant argues that Mossberg and Chen does not teach a second station is coupled to receive a decoded output signal from a first station. However, Frigo discloses a second station is coupled to receive a decoded output signal from a first station (Figures 4A, 5, and 7, col. 6, lines 53-67, col. 7, lines 1-53).

Regarding claim 26, the applicant argues that Mossberg and Chen does not teach "an encoder to encode an optical signal to designate the multiplexing station's level". However, Frigo teaches an optical signal encoded to designate the multiplexing station's level (Figures 4A, 5, and 7, col. 6, lines 53-67, col. 7, lines 1-53).

Therefore, it is believed that the limitations of of claims 5-10, 14-17, and 22-28 are still met by the combination of Mossberg, Chen, and Frigo and the rejection is stiil maintained.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fathallah et al (U.S. Patent number 6,381,053) teaches CDMA communication networks.


Art Unit: 2633

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
LESLIE PASCAL  
PRIMARY EXAMINER